

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:17-cr-1-DCB-LRA

DONYALE JERREL HOLLOWAY, et al.

FINAL ORDER OF FORFEITURE

Before the Court is the United States' Motion for a Final Order of Forfeiture. Mot. for Final Order of Forfeiture, ECF No. 163. Having reviewed the motion and the attached exhibits, and based on the record and the applicable law, the Court finds that the government's motion is well taken and should be GRANTED. In support of the instant ORDER, the Court finds as follows:

WHEREAS, on or about March 8, 2017, the Federal Bureau of Investigation ("FBI") seized the following property:

\$16,020.00 in U.S. Currency from a plastic bag in a kitchen in Bogue Chitto, MS (17-FBI-001894) which was seized from Donyale Holloway; \$32,010.00 in U.S. Currency from a hidden compartment in a kitchen in Bogue Chitto, MS (17-FBI-001898) which was seized from Donyale Holloway; and \$5,644.00 in U.S. Currency from a bedroom dresser in Bogue Chitto, MS (17-FBI-001900) which was seized from Donyale Holloway,

("Seized U.S. Currency") pursuant to a search and seizure warrant issued in the Southern District of Mississippi;

WHEREAS, on February 8, 2017, a Federal Grand Jury sitting in the Southern District of Mississippi returned a criminal indictment against Donyale Jerrel Holloway and other individuals, charging Holloway with possession with intent to distribute 100 kilograms or more

of marijuana, in violation of 21 U.S.C. § 841(a)(1), and conspiracy to possess with the intent to distribute, in violation of 21 U.S.C. § 846. Indictment, ECF No. 3. The Indictment contained a general notice that the United States was seeking forfeiture, pursuant to 21 U.S.C. § 853, of all property involved in or traceable to property involved in the offenses, including but not limited to all proceeds obtained directly or indirectly from the offenses, and all property used to facilitate the offenses listed in the Indictment. *Id.*, p. 4. On April 6, 2017, the United States filed a Bill of Particulars Specifying Property to be Forfeited, which identified the three sums of U.S. Currency listed above, and “One (1) ‘Gucci’ box with multiple pieces of miscellaneous jewelry.” Bill of Particulars, ECF No. 69;

WHEREAS, Donyale Jerrel Holloway pled guilty to count one (conspiracy) of the Indictment, pursuant to a Plea Agreement, on July 31, 2017. Plea Agreement, ECF No. 92. Thereafter, on September 15, 2017, the United States filed a Motion for a Hearing on a Preliminary Order of Forfeiture. Motion for a Hearing on a Preliminary Order of Forfeiture, ECF No. 112;

WHEREAS, after a hearing held on December 5, 2017, this Court entered a Preliminary Order of Forfeiture on February 2, 2018. Preliminary Order of Forfeiture, ECF No. 148. This order found that the **Seized U.S. Currency** was subject to forfeiture, that the defendant had an interest in such property, and that the United States had established the requisite nexus between such property and the offense charged in Count 1 of the Indictment. *Id.*, p. 2. Accordingly, the Court ordered that the **Seized U.S. Currency** be forfeited to the United States. *Id.* The Court, however, had not found the requisite nexus between the jewelry and ordered it returned to the Defendant. *Id.*;

WHEREAS, the United States initiated notification regarding the forfeiture on or about February, 8, 2018, including sending direct notice to Denise Turner Holloway via registered mail, return receipt requested. *See* Proofs of publication and service, Exhibits A and B, ECF Nos. 163-1 and 163-2;

WHEREAS, on March 8, 2018, Denise Turner Holloway filed a Petition to Contest Forfeiture and Request Hearing, claiming “an interest, equitable or otherwise” in the **Seized U.S. Currency**. Petition to Contest Forfeiture and Request Hearing, ECF No. 155;

WHEREAS, no other claims were filed and to date, the United States has not filed a civil judicial action against the seized property;

WHEREAS, the United States and Denise Turner Holloway wish to avoid the necessity of further litigation of this forfeiture action, and have agreed to the conditions under which further or additional litigation may be avoided, and entered into an Agreed Settlement Regarding Seized U.S. Currency. *See* Agreed Settlement Regarding Seized U.S. Currency, ECF No. 163-3;

WHEREAS, Bobby Moak, as counsel for Denise Turner Holloway, is duly authorized to represent Denise Turner Holloway and enter this Agreed Settlement Order of Forfeiture; and

WHEREAS, the United States and Denise Turner Holloway, acting by and through her attorney, have reached a verbal agreement in the settlement of this forfeiture action and agree upon a full and complete settlement of the claim of Denise Turner Holloway in this action, as set forth in the Agreed Settlement Regarding Seized U.S. Currency, ECF No. 163-3, and incorporated herein; and

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The defendant, Donyale Jerrel Holloway, had an interest in the **Seized U.S. Currency** that is subject to forfeiture pursuant to 21 U.S.C. § 853.

2. Final forfeiture judgment against the **\$16,020.00 in U.S. Currency from a plastic bag in a kitchen in Bogue Chitto, MS (17-FBI-001894) which was seized from Donyale Holloway** and **\$32,010.00 in U.S. Currency from a hidden compartment in a kitchen in Bogue Chitto, MS (17-FBI-001898) which was seized from Donyale Holloway** is hereby entered pursuant to 21 U.S.C. § 853.

3. All right, title, and interest in these two sums of U.S. Currency is hereby condemned, forfeited, and vested in the United States of America, and shall be disposed of according to law.

4. Pursuant to the terms of the Agreed Settlement between the United States and Denise Turner Holloway, the **\$5,644.00 in U.S. Currency from a bedroom dresser in Bogue Chitto, MS (17-FBI-001900) which was seized from Donyale Holloway** is to be released to Denise Turner Holloway as soon as practicable.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

SO ORDERED, ADJUDGED, AND DECREED this 6th day of July, 2018.



DAVID BRAMLETTE III
UNITED STATES DISTRICT JUDGE